

5-638549
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAERSK LINE,

Plaintiff,

- against -

BOC GLOBAL HELIUM, INC.,

Defendant.

JUDGE SWAIN

'07 CIV 4543

CIVIL COMPLAINT
IN ADMIRALTY

MAY 30 2007

U.S. DISTRICT COURT

CLERK'S OFFICE

NEW YORK, NY

Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant BOC GLOBAL HELIUM, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 14.4 of the Bills of Lading.

2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.

5. Thereafter, the goods were carried to the ports of destination and delivered to the consignee and/or its agents.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$35,698.27, although duly demanded.
8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$35,698.27 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.
3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
May 30, 2007

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By 

Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

SCHEDULE A

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant BOC GLOBAL HELIUM, INC. was and still is a corporation organized and existing under the laws of the State of Delaware, with offices and a place of business at 575 Mountain Avenue, Murray Hill, NJ 07974.

II. Details of shipment(s):

1. Bill of Lading No. MAEU503078835, dated December 18, 2005, from Newark to Jawaharlal Nehru on the Vessel MAERSK DHAKA, one (1) Tank Container HELIUM, at the applicable tariff charge of \$6,094.00 (Exhibit A).

2. Bill of Lading No. MAEU503102833, dated January 9, 2006, from Newark to Jawaharlal Nehru on the Vessel MAERSK GEORGIA, one (1) forty-foot Tank Container HELIUM, at the applicable tariff charge of \$6,348.26 (Exhibit B).

3. Bill of Lading No. MAEU503357, dated January 22, 2006, from Newark to Jawaharlal Nehru on the Vessel MAERSK MISSOURI, (one) forty-foot Tank Container HELIUM, at the applicable tariff charge of \$4,527.66 (Exhibit C).

4. Bill of Lading No. MAEU504630710, dated April 22, 2006, from Newark to Jawaharlal Nehru on the Vessel MAERSK DARMSTADT, one (1) forty-foot Tank HELIUM, at the applicable tariff charge of \$4,555.47 (Exhibit D).

Amount Due: \$4,555.47

5. Bill of Lading No. MAEU504741467, dated April 29, 2006, from New York to Jebel Ali Dubai on the Vessel MAERSK MISSOURI, one (1) forty-foot Tank HELIUM, at the applicable tariff charge of \$6,225.50 (Exhibit E).

Amount Due: \$6,225.50

6. Bill of Lading No. MAEU504786934, dated May 20, 2006, from Newark to Jawaharlal Nehru on the Vessel MAERSK VIRGINIA, one (1) forty-foot ISOTANK HELIUM, at the applicable tariff charge of \$6,330.69 (Exhibit F).

7. Bill of Lading No. MAEU510780417, dated August 15, 2006, from Los Angeles to Shanghai on the Vessel MAERSK DUBLIN, one (1) forty-foot Tank Container HELIUM, at the applicable tariff charge of \$1,591.69 (Exhibit G).

8. Bill of Lading No. MAEU512147601, dated February 4, 2007, from Newark to Jawhaharlal Nehru on the Vessel MAERSK GEORGIA, one (1) forty-foot Tank HELIUM, at the applicable tariff charge of \$25.00 (Exhibit H).

Amount Paid: \$0 Amount Due: \$25.00

III. Total Amount Due: \$35,698.27